



**Request for City Council Committee Action  
from the Department of Community Planning & Economic Development**

Date: May 2, 2013

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

**Subject:** Appeal of the decision of the City Planning Commission regarding the proposed 6<sup>th</sup> Street Northeast redevelopment located at the property of 514 1<sup>st</sup> Avenue Northeast and 519 Central Avenue Northeast

**Recommendation:** The following action was taken by the Planning Commission on April 8, 2013 (BZZ-5964):

**A. Rezoning:** Application by Maureen Michalski on behalf of Farrington Properties, Inc. for a petition to rezone the property located at 514 1st Ave NE/519-523 Central Ave NE from the C2 Neighborhood Commercial District to the C3A Community Activity Center District. The Pedestrian-Oriented Overlay District will be maintained.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and approve the petition to rezone the property of 519 Central Ave NE and 514 1<sup>st</sup> Ave NE from C2 Neighborhood Corridor Commercial District to C3A Community Activity Center District.

**B. Conditional Use Permit:** Application by Maureen Michalski on behalf of Farrington Properties, Inc. for a conditional use permit to increase the maximum permitted height of a mixed-use building from 4 stories or 56 feet to approximately 7 stories or 81 feet at the tallest point for the property located at 514 1<sup>st</sup> Ave NE/519-523 Central Ave NE.

**Action:** The City Planning Commission adopted the findings and approved the application for a conditional use permit to allow an increase in height from four stories or 56 feet to approximately seven stories or 81 feet at the tallest point for the properties located at 519 Central Ave NE and 514 1st Ave NE subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two year of approval.
2. Only the southeast and southwest portions of the building shown on the submitted plans for this review are allowed to be seven stories in height.

**C. Variance:** Application by Maureen Michalski on behalf of Farrington Properties, Inc. for a variance to reduce the setback along the southeast interior side yard from 15 feet to 0 feet at the closest point for the property located at 514 1<sup>st</sup> Ave NE/519-523 Central Ave NE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard from 15 feet to 5 feet at the closest point for the properties located at 519 Central Ave NE and 514 1<sup>st</sup> Ave NE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.
2. The applicant shall conduct a structural survey by an agreed to qualified third party on all buildings on this block, following the industry standard process and techniques for such survey.

**D. Variance:** Application by Maureen Michalski on behalf of Farrington Properties, Inc. for a variance to reduce the minimum lot area requirement from 287 square feet per dwelling unit to 282 square feet per dwelling unit for the property located at 514 1<sup>st</sup> Ave NE/519-523 Central Ave NE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to allow the reduction in minimum lot area requirement from 287 square feet per dwelling unit to 282 square feet per dwelling unit (1.7 percent lot area variance) for the properties located at 519 Central Ave NE and 514 1<sup>st</sup> Ave NE.

**E. Site Plan Review:** Application by Maureen Michalski on behalf of Farrington Properties, Inc. for a variance to reduce the minimum lot area requirement from 287 square feet per dwelling unit to 282 square feet per dwelling unit for the property located at 514 1<sup>st</sup> Ave NE/519-523 Central Ave NE.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 519 Central Ave NE and 514 1<sup>st</sup> Ave NE subject to the following conditions:

1. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by May 10, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Lighting levels shall meet the requirements outlined in Section 535.590 of the zoning code.
4. The animal run shall be fenced or otherwise enclosed to keep the animals confined to the designated area.
5. The applicant shall provide a total of 21 bicycle parking spaces for the commercial establishment and at least half 50 percent shall meet the standards for short term parking outlined in Section 541.180(a)(1).
6. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.

7. For the first floor commercial establishments, shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
8. Decorative metal grills shall be installed within the parking garage window openings on 1st Avenue Northeast that allow for clear views in and out.
9. The applicant shall work with staff to assure there are durable materials, which may include Nichiha or stucco, on all upper floors of the building street facing façade. Cement board siding facing the interior of the site is not to exceed 50% of the interior façade.

**Ward: 3**

Prepared by: Aaron Hanauer, Senior Planner (612-673-2494) Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Aaron Hanauer, Senior Planner
--

**Financial Impact**

- No financial impact

**Community Impact**

- Neighborhood Notification: The neighborhood group, Nicollet Island, and adjacent neighborhood group, Marcy Holmes, was notified of the application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On April 12, 2013, staff sent a letter to the applicant extending the 60 day decision period to no later than July 13, 2013.

**Supporting Information**

Lazaros Christoforides, on behalf of Pontus Properties, has filed an appeal of the decision of the City Planning Commission approving the conditional use permit, variances, and site plan review application to allow a mixed use building with ground floor commercial uses and 130 dwelling units located at the property of 514 1<sup>st</sup> Avenue Northeast and 519 Central Avenue Northeast. At its meeting on April 8, 2013, the City Planning Commission voted 4-1 to approve the conditional use permit, 4-1 to approve the interior side yard setback variance, 4-1 to reduction in lot area variance, and 5-0 to approve the site plan review. The appeal (attached) was filed on April 17, 2013. The rezoning application is scheduled to be heard at the May 2, 2013 Zoning and Planning Committee meeting as well.